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10/623,136	07/17/2003	Gilles Cyr	CDM/3353.0022	5202

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EXAMINER

GRAY, LINDA LAMEY

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/623,136

Applicant(s)

CYR ET AL.

Examiner

Linda L Gray

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 7-17-03, 10-21-03, 12-19-03, 3-25-04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3 and 7 is/are allowed.
- 6) ☒ Claim(s) 4-6 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**Detailed Action**

**Specification**

1. The specification is objected to because of the following informalities: **(a)** the reference to Figure 4 is referencing the incorrect drawing (p 14, L 5), **(b)** "40" should be "140" (p 18, L 1), **(c)** the reference to Figure 1 is referencing the incorrect drawing (p 13, L 6), **(d)** the parent case information should be updated (p 1), and **(e)** the patent number for application 09/398,153 should be added (p 1, L 24).

**Drawings**

2. The drawings are objected to because the drawings should be renumbered to be in consecutive order and the specification's reference thereto updated as necessary if Figure 3 is not to be filed into the pending application.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

**Declaration**

3. The declaration filed 12-19-03 is objected to in that the filing date of the parent application is incorrect.

**Claim Rejections - 35 U.S.C. 112**

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**5. Claims 4-6 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

**Claim 4**, "said latch mechanism" lacks antecedent basis.

**Claim 8** is indefinite when referring to the mechanism of claim 2 in that for claim 2 alone as the splicer for claim 8, many of the terms then lack antecedent bases such as "said release indicia" in claim 2 and "said arms" in claim 8. It is clear that the splicer for claim 8 includes the limitations of claim 1 as well, and for the basis of prior art claim 8 has been interpreted in this manner. However, claim 8 should be amended as necessary to overcome this rejection.

**Allowable Subject Matter**

**6. Claims 1-3 and 7 are allowed.**

**Claims 4-6 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.**

**Claim 8 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.**

**7. The following is a statement of reasons for the indication of allowable subject matter: claims 1 and 8 --**

Armelin et al. teach each limitation of **claims 1 and 8** but does not teach that release mechanism 42 releases catch mechanism 44 when a portion of one of the sheet webs containing a release indicia passes through the pathway (where release indicia is defined in the pending application as a bulge placed in the tape or a segment of the tape which is optically distinguishable from the remainder of the tape) in that Armelin et al. do not teach a release indicia for a portion of one of the sheet webs, and although Getz et al. a splicer mechanism including a tape which has release indicia 44 on the expiring portion of a tape, Getz et al. do not teach that a release mechanism release a catch mechanism when the release indicia passes through the pathway such that one skilled in the art would not modify the splicer mechanism of Armelin et al. to have release mechanism 42 release catch mechanism 44 when a portion of one of the sheet webs containing indicia passes through the pathway. Also, Zahn et al. teach a splicer mechanism which responds to a portion of a tape containing release indicia 24 and 25 as indicia 24 and 25 passes through the pathway; but, Zahn et al. do not teach that a release mechanism release a catch mechanism when the release indicia 24 and 25 pass through the pathway such that one skilled in the art would not modify the splicer mechanism of Armelin et al. to have release mechanism 42 release catch

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mechanism 44 when a portion of one of the sheet webs containing indicia passes through the pathway; also,

Heitmann teaches each limitation of **claims 1 and 8** but does not teach that release mechanism 32 releases catch mechanism 28 when a portion of one of the sheet webs containing a release indicia passes through the pathway (where release indicia is defined in the pending application as a bulge placed in the tape or a segment of the tape which is optically distinguishable from the remainder of the tape) in that Heitmann does not teach a release indicia for a portion of one of the sheet webs, and although Getz et al. a splicer mechanism including a tape which has release indicia 44 on the expiring portion of a tape, Getz et al. do not teach that a release mechanism release a catch mechanism when the release indicia passes through the pathway such that one skilled in the art would not modify the splicer mechanism of Heitmann to have release mechanism 32 release catch mechanism 28 when a portion of one of the sheet webs containing indicia passes through the pathway. Also, Zahn et al. teach a splicer mechanism which responds to a portion of a tape containing release indicia 24 and 25 as indicia 24 and 25 passes through the pathway; but, Zahn et al. do not teach that a release mechanism release a catch mechanism when the release indicia 24 and 25 pass through the pathway such that one skilled in the art would not modify the splicer mechanism of Heitmann to have release mechanism 32 release catch mechanism 28 when a portion of one of the sheet webs containing indicia passes through the pathway. In Heitmann the changes in mechanism 32 and 28 are in response to sensor 57a which senses the size of the depleting roll of one of the rolls of the sheet webs; also,

Pinkham teaches each limitation of **claims 1 and 8** but does not teach that release mechanism 86 releases catch mechanism 108 when a portion of one of the sheet webs containing a release indicia passes through the pathway (where release indicia is defined in the pending application as a bulge placed in the tape or a segment of the tape which is optically distinguishable from the remainder of the tape) in that Pinkham does not teach a release indicia for a portion of one of the sheet webs, and although Getz et al. a splicer mechanism including a tape which has release indicia 44 on the expiring portion of a tape, Getz et al. do not teach that a release mechanism release a catch mechanism when the release indicia passes through the pathway such that one skilled in the art would not modify the splicer mechanism of Pinkham to have release mechanism 86 release catch mechanism 108 when a portion of one of the sheet webs containing indicia passes through the pathway. Also, Zahn et al. teach a splicer mechanism which responds to a portion of a tape containing release indicia 24 and 25 as indicia 24 and 25 passes through the pathway; but, Zahn et al. do not teach that a release mechanism release a catch mechanism when the release indicia 24 and 25 pass through the pathway such that one skilled in the art would not modify the splicer mechanism of Pinkham to have release mechanism 86 release catch mechanism 108 when a portion of one of the sheet webs containing indicia passes through the pathway; and

Kilmartin teaches each limitation of **claims 1 and 8** but does not teach that release mechanism V1 releases catch mechanism V4 when a portion of one of the sheet webs containing a release indicia passes through the pathway (where release indicia is defined in the pending application as a bulge placed in the tape or a segment of the tape which is optically distinguishable from the remainder of the tape) in that Kilmartin does not teach a release indicia for a portion of one of the sheet webs, and although Getz et al. a splicer mechanism including a tape which has release indicia 44 on the expiring portion of a tape, Getz et al. do not teach that a release

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mechanism release a catch mechanism when the release indicia passes through the pathway such that one skilled in the art would not modify the splicer mechanism of Kilmartin to have release mechanism V1 release catch mechanism V4 when a portion of one of the sheet webs containing indicia passes through the pathway. Also, Zahn et al. teach a splicer mechanism which responds to a portion of a tape containing release indicia 24 and 25 as indicia 24 and 25 pass through the pathway; but, Zahn et al. do not teach that a release mechanism release a catch mechanism when the release indicia 24 and 25 pass through the pathway such that one skilled in the art would not modify the splicer mechanism of Kilmartin to have release mechanism V1 release catch mechanism V4 when a portion of one of the sheet webs containing indicia passes through the pathway.


8. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

**Conclusion**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Gray whose telephone number is (571) 272-1228. The examiner can normally be reached Monday-Friday from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla, can be reached at (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

llg   
November 24, 2004

  
LINDA GRAY  
PRIMARY EXAMINER